ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE

2007 NOV 27 P 4: 50

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| UNITED STATES OF AMERICA | ) | |
| | ) | |
| | ) | |
| V. | ) | NO.3:02-CR-50 |
| | ) | JUDGE JORDAN |
| THOMAS JOHN HEYER | ) | |

## AGREED ORDER

A Petition for Revocation of Supervised Release has been filed against the defendant, Thomas J. Heyer, and the defendant admits that he has violated certain conditions of his supervised release. An agreement has been reached between the parties, providing that Mr. Heyer's supervised release should be revoked and that he should receive a sentence of eighteen (18) months incarceration followed by no further term of supervised release. The parties have further agreed that he be permitted to serve his sentence at the Bureau of Prisons facility at Edgefield, SC.

Mr. Heyer waives his right to a hearing pursuant to Rule 32 of the Rules of Criminal Procedure, waives his right to allocute at a revocation hearing, and asks that the agreement of the defendant and the government pursuant to Rule 11 of the Federal Rules of Criminal Procedure be found to be a proper sentence.

This Court has considered the Chapter Seven policy statements in the United States Sentencing Guidelines. The violations committed by the defendant are "Grade C" violations. The defendant's criminal history category is VI. The advisory guideline range is 6 to 12 months and there is a statutory maximum of 24 months imprisonment.

ATTEST: A true copy
Certified this 10/1/2007
PATRICIA L. ... CLERK

The Court has also considered the factors listed in 18 U.S.C. §3553(a) and finds that the recommended sentence is sufficient, but not greater than necessary, to comply with the purposes set forth in 18 U.S.C. §3553(a). Specifically the Court finds that although the recommended sentence is greater than the recommended guideline sentence, the additional months of incarceration are offset by the reduction in the amount of supervised release that he will be required to serve.. The recommended sentence is also necessary to reflect the seriousness of the offense committed by Mr. Heyer, promote respect for the law and deter others who violate supervised release.

Based on the foregoing, the Court finds that the recommended sentence is sufficient, but not greater than necessary to accomplish the purposes set forth in 18 U.S.C. §3553(a) while taking into consideration all of those factors and the Chapter Seven policy statements.

IT IS HEREBY ORDERED that Mr. Heyer's supervised release should be revoked and he should receive a sentence of imprisonment of eighteen (18) months with no further supervision to follow said sentence. It is further recommended by the Court that Mr. Heyer be permitted to serve his sentence at the Bureau of Prisons facility at Edgefield, SC.

ENTER this 25th day of September, 2007.

Leon Jordan

Hon. Leon Jordan
United States District Judge

I have executed this Judgement as follows: Defendant delivered on 11-15-07 to FCI Edgefield at Edgefield SC, the Institution designated. John J LaManna, Warden
~~United States Marshal~~

By: Kell Meal, ISO